

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CALVIN CAMPS,

Plaintiff,

v.

MICHAEL NUTTER, et al.,

Defendants.

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:

Civil Action
No. 14-1498

**ANSWER TO PLAINTIFF’S AMENDED COMPLAINT
WITH AFFIRMATIVE DEFENSES¹**

Defendants, by and through the undersigned counsel, Rebecca Prosper, hereby files this Answer and Affirmative Defenses to Plaintiff’s amended complaint and avers as follows:

Admitted only that individual Answering Defendants are adults and citizens of the United States. All other averments, allegations, and statements of fact set forth in Plaintiff’s amended complaint are **DENIED**. Answering Defendants have not violated Plaintiff’s constitutional or civil rights. All of the alleged facts contained in Plaintiff’s amended complaint are untrue, inaccurate, misleading, pertain to parties other than the Answering Defendants, and/or Answering Defendants are without sufficient knowledge or information to form a belief as to their truthfulness. Strict proof thereof, if relevant, is demanded at the trial of this matter. Plaintiff’s amended complaint also contains conclusions of law to which the Federal Rules of Civil Procedure require no response.

¹ Defendants’ Answer is filed past the timeframe permitted for response to Plaintiff’s Amended Complaint and such lateness is inexcusable; however, the Court may still consider Defendants’ Answer. “When a party fails to answer or otherwise plead within 20 days of service of the complaint, the court has discretion to allow an untimely response in the absence of a motion for default judgment.” Lagana v. Kmart Corp., 1998 WL 372347, at 3 (E.D. Pa. June 19, 1998) (citations omitted).

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Plaintiff has failed to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

To the extent Plaintiff's complaint raises state law claims, they are barred or limited by Pennsylvania's Political Subdivision Tort Claims Act, 42 Pa. C.S.A. §8541 *et. seq.*

THIRD AFFIRMATIVE DEFENSE

Plaintiff's claims are barred, in whole or in part, by the applicable statute of limitations.

FOURTH AFFIRMATIVE DEFENSE

The Plaintiff's claims are barred, in whole or in part, by his failure to comply with the provisions of the Prison Litigation Reform Act of 1995 ("PLRA"), 42 U.S.C. § 1997e(a), including but not limited to, the provisions requiring exhaustion of all administrative remedies before commencing a federal suit and the physical injury requirement of § 1997(e).

JURY DEMAND

Answering Defendant demands a jury trial in this action on all issues so triable.

Respectfully submitted:

Date: January 25, 2018

/s/ Rebecca Prosper
Rebecca Prosper, Esquire
Assistant City Solicitor
Attorney ID No. 320300
City of Philadelphia Law Department
Civil Rights Unit
1515 Arch Street, 14th Floor
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CERTIFICATE OF SERVICE

I hereby certify that on the date below, Defendants' Answer with Affirmative Defenses to Plaintiff's Amended Complaint was filed via the Court's electronic filing system and is available for viewing/downloading. A true and correct copy has been provided via certified mail, return receipt requested to the following:

CALVIN CAMPS
MQ-1920
SCI Chester
500 East 4th Street
Chester, PA 19013
Pro se

Date: January 25, 2018

/s/ Rebecca Prosper
Rebecca Prosper
Assistant City Solicitor
Pa. Attorney ID No. 320300
City of Philadelphia Law Department
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